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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,362	09/11/2003	Leonard Clyde Asplet	U 014810-9	5499

7590 05/18/2005

Ladas & Parry  
26 West 61 Street  
New York, NY 10023

EXAMINER
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SMITH, JAMES G

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/660,362	<b>Applicant(s)</b> ASPLET, LEONARD CLYDE	
	<b>Examiner</b> James G Smith	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05182004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Perez-Tubens et al. (4,542,838). The '838 patent discloses a garment hanger with a garment support portion, an engaging portion to secure the hanger to a support, and a securing portion depending from the garment support portion. Apertures 43 and 45 cooperate with a security tag that passes through the garment to secure the garment to the hanger. With respect to Claim 2, the device taught in the '838 patent is a coat hanger and the support portion is formed by a pair of arms that diverge from the engaging portion.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-12, 15-19, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perez-Tubens et al. (4,542,838) in view of Losin (2,232,249). The hanger disclosed in the '838 patent discloses many of the features of the security garment hanger claimed, but fails to

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teach the engagement portion of the hanger being an eyelet that encircles the structure from which the hanger is suspended. With respect to Claims 3-6, Losin discloses a garment hanger that incorporates a two-piece engaging portion that connects to encircle a support structure. The first piece of the engaging portion has a projection member that is engageable with an aperture in the second piece to secure the engaging portion closed. With respect to Claim 7, the securing portion of the hanger in the '838 patent is a strip of sheet material with apertures 43 and 45 for receiving a security tag. With respect to Claims 8, 9, 15, 16, 22, and 23, the engaging portion encircles the support structure and is resistant to separation. With respect to Claims 10, 17 and 24, the projection 18 serves as a barb that engages with aperture 15 to secure the engaging portion and inhibit separation. With respect to Claims 11, 12, 18, 19, 25, and 26, both pieces of the engaging portion are curved like a hook and connect together to form a closed eyelet resistant to separation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Losin to provide a closed eyelet engaging member to securely connect a garment hanger to a support structure with the garment hanger of the '838 patent to further enhance the security of a displayed garment.

5. Claims 13, 14, 20, 21, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perez-Tubens et al. (4,542,838) in view of Losin (2,232,249) and further in view of Nelson (3,966,100). The garment hanger taught by the '838 patent in view of Losin essentially teaches the invention, but fails to teach the connection between the garment support portion and the engaging portion providing for angular relative movement therebetween. The security hanger disclosed by Nelson provides a shaft member between the garment support portion and the engaging portion that allows the portions to pivot relative to one another. It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hanger taught by the '838 patent in view of Losin with the teaching of Nelson to pivotally connect the engagement and support portions, enabling a customer to more freely access a garment on display while maintaining the integrity of the security system.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 571-272-4994. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS  
5/15/2005

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
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